

## THE FAVORITES—STOCKS HELD BY LARGEST NUMBER OF ACCOUNTS AT MERRILL LYNCH

Stock	Close	Change (%)	
		Day	2006
AT&T Inc .....	26.66	+0.2	+8.9
Avaya .....	11.31	-1.6	+6.0
BkoAm .....	48.41	-0.8	+4.9
Chevron .....	57.59	+0.1	+1.4
Cisco .....	19.48	-2.5	+13.8
Citigroup .....	49.33	-0.9	+1.6
Comcast .....	32.47	-0.6	+25.3
ExxonMob .....	58.24	-1.0	+3.7
GenElec .....	33.87	-0.6	-3.4
Home Dep .....	36.26	-1.9	-10.4
Intel .....	16.86	-1.7	-32.5
IBM .....	77.02	-0.8	-6.3
JPMorgCh .....	41.60	-1.2	+4.8
JohnJn .....	61.38	*	+2.1
Lucent .....	2.41	-1.6	-9.4
Microsoft .....	21.71	-1.0	-17.0
Pfizer .....	23.29	-1.0	-0.1
ProctGam .....	54.31	-0.3	-6.2
TimeWarr .....	17.20	-0.9	-1.4
VerizonCm .....	31.33	-0.5	+4.0

## LIMITING CONSENT DECREES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. BISHOP) is recognized for 5 minutes.

Mr. BISHOP of Utah. Mr. Speaker, I appreciate joining the majority whip, Mr. BLUNT of Missouri, as well as the chairman of the Constitution Caucus, Mr. GARRETT of New Jersey. For several weeks now we have tried to come before this body and talk about issues in which the Federal Government in its effort to be helpful has actually caused greater harm than good.

We have talked about the significance of sunset reviews, reviewing administrative decisions, mandates, States that would put on specific pieces of legislation that would help solve some of those problems. Again we come before you today, and I am grateful to be able to talk with these good gentlemen about once again the Federal Government, in an effort to be helpful, not malicious but helpful, tipping the balance of power with the net result that people are harmed, not by design, but that is the way that has happened.

Consent decrees, which shift the horizontal balance of power, have had the net effect of actually harming individuals. It is something that is a phenomenon that every State has experienced. Federal consent decrees are enforced in all 50 States, which end with judges running prisons, schools, welfare agencies, health care systems and on and on, usually on decisions that are based upon the advice of the advocates who brought original lawsuits in the first place.

It has been mentioned there have been a couple of Supreme Court decisions that have talked about these phenomena. The case of *Jenkins v. Missouri* is one of those great ones in which the Kansas City school district was taken over by a Federal judge. In an effort to try to improve the school system, not only did they use the executive authority to control hires and fires as well as curriculum, they assumed the legislative authority by actually advancing a property tax on the

citizens of Kansas City, Missouri, in an effort to try to improve the education system. At least at that time the Supreme Court said in a 5-4 decision that they had gone too far.

That kind of usurpation of other authorities does not actually produce the better result. In the case that Mr. GARRETT spoke about, *Frew v. Hawkins* in 2004, the Supreme Court once again said this can lead to the Federal court's oversight programs for long periods of time, even when there is no violation of the law still in effect.

Now what does this do for individuals? Let me give you a couple of examples. In a west coast city, they recently entered into a 5-year consent, actually in 2001 they went to a 5-year consent decree, in which certain practices would be done by the police department of this particular city. They recently conducted an independent review on how they had done in compliance with the consent decree.

The consent decree had said that every time a police officer uses non-lethal force such as perhaps twisting an arm of a suspect to handcuff him, the captain or above has to write a report of the incident within 14 days. There was a 94 percent compliance with that provision, but not enough to satisfy the consent decree.

The police commissioner was supposed to report within 45 days the quarterly discipline report. He actually took 15 days longer than that and was once again out of compliance. The department took 21 days rather than 7 days to send in its audit report to the Inspector General and was therefore out of compliance.

In fact, it would be possible to comply with all the decisions of this consent decree if the police department actually hired more personnel to keep the paperwork going. In fact, that is exactly what they did. They did hire more personnel to do the paperwork that was necessary to fulfill the details of the consent decree.

One article in the *National Review* talks about how the city's police department and their supervisors would meet to discuss the issues of the police department, and their topics of conversation tend to go almost universally to how to fulfill the provisions of the consent decree.

If I could quote from one article, they said for more than 2½ hours they gathered captains, sergeants lieutenants, and detectives spoke of nothing but processing the paperwork. Not a single word was uttered about reducing crime or otherwise how to improve the quality of life of people in the area in which they serve. The supervisor who attended this meeting simply called the process pathetic.

Oddly enough in the report of how they were doing in fulfilling their consent decree, it also mentioned that what the city needed were more personnel on the street and more supervisor oversight for the officers in the field, which oddly enough, in one of

those ironies of life, they could have done had they not spent their money to hire the personnel to do the paperwork for the consent decree.

In New York City, they have had, since 1974, a consent decree mandating bilingual education in some of the city schools that has now been going on for 30 years, well past the original intent of it, even though the parents do not want to participate in this particular program.

Another west coast city was issued a consent decree in 1991 for their school districts, again claiming there were too few experienced teachers. Again the court stepped in increasing the taxes of these individuals by \$11 million a year, and now, 15 years later, finally, the judge declared herself satisfied and declined to extend this decree for yet another 5 years.

The problem with consent decrees is very simple. Once entered into, those who are subject to those decrees have no recourse. There is no balance, there is no kind of protective area in which to go, in which case in that particular situation it is why the majority whip has asked us to introduce this piece of legislation to put a time limit on consent decrees.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

(Mr. OSBORNE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BILIRAKIS) is recognized for 5 minutes.

(Mr. BILIRAKIS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.